

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE SIMMONS,

Defendant.

ORDER

09-cr-122-bbc

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Melissa Scheidler was subpoenaed by defendant Andre Simmons on December 7, 2010, to appear as a witness at his trial at 9:30 a.m. on December 8, 2010. She did not appear.

At the end of trial, I entered an order for Ms. Scheidler to show cause why she did not appear as directed by the subpoena. She has responded to the order by filing an affidavit in which she avers that she did not receive the subpoena until 11:30 a.m. on December 7, 2010 and that her employer would not allow her to leave unless she found a replacement worker. She avers that she was unable to find a substitute in the short period of time or to find someone to care for her five children while she was gone.

I am persuaded that Ms. Scheidler has shown cause why she could not make the six

to seven-hour round trip from her home to the courthouse in response to her subpoena. No further action will be taken.

ORDER

IT IS ORDERED that Melissa Scheidler has shown cause why she should not be held in contempt for her failure to appear in this court on December 8, 2010.

Entered this 10th day of January, 2011.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge